



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.

Governor

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August 8, 2008

VIA CERTIFIED MAIL 7007 1490 0000 0840 8493

Dr. George Pendygraft
NJK Farms, Inc.
6770 Spirit Lake Drive, Bldg 1, Suite 201
Indianapolis, IN 46220

Dear Dr. Pendygraft:

Re: Denial of Construction/Operating Permit Application
Greenview Recycling and Disposal Facility, FP 23-03
Fountain County

On June 19, 2008 IDEM sent NJK Farms, Inc. a letter requesting NJK withdraw the present landfill application and submit a new application, without fee, within 30 days so that IDEM could continue processing NJK's "right to pursue a permit application." Furthermore, additional technical deficiencies were identified (copy enclosed) that needed to be addressed in the new application. The letter also offered to give you additional time to complete a new application, if needed.

Statutory language requires that any new application include county ordinance approval for the facility. To date, NJK has not made a request for additional time, nor has it made any attempt to withdraw the application or indicate that it would submit the additional requested items.

The construction/operation application for the Greenview Recycling and Disposal Facility, dated April 30, 2007, is hereby denied. Please be advised that any subsequent application will require local approval and must meet the requirements of all applicable laws existing at the time the new permit is sought.

Pursuant to IC 4-21.5, a Petition for Review of this decision may be initiated by you, as applicant, or by an "aggrieved or adversely affected person." This decision becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the decision has been further stayed. As discussed in our enclosed Notice of Decision, if you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within eighteen (18) days from the date that this permit denial letter was mailed, pursuant to IC 4-21.5-3-7.

Please contact Travis Murphy at (317) 232-8734 or toll free (800) 451-6027 with any questions or concerns.

Sincerely,

Bruce H. Palin

Bruce H Palin

Assistant Commissioner

Office of Land Quality

TLM
Enclosures

cc: Fountain County Health Department (with enclosure)
Fountain County Commissioners (with enclosure)
Fountain County Solid Waste Management District (with enclosure)
Donn H. Wray, Stewart & Irwin, P.C.

Engineering Enclosure

This enclosure contains comments developed from the documentation and drawings dated December 3, 2007, and received (Hand delivered) on December 3, 2007, which were submitted in response to IDEM's request for additional information dated October 1, 2007. In addition, there are some comments about the April 30, 2007 submittal as well.

1. The response provided for item #2 in the letter dated October 1, 2007 has not been addressed.
2. The response provided for items #6 and #7 is acceptable; however the revised pages are attached hereto as attachment 9, not attachment 7, as stated in the response. Please clarify these references.
3. The response provided for item #9 is acceptable; however the revised pages are attached hereto as attachment 7, not attachment 9, as stated in the response. Please clarify this reference.
4. The response provided for item #15 in reference to the HELP Model must be re-run to accurately reflect the proper inputs. See attachment #15 as a reference. The following are some examples:
 - The input unit for the HELP Model was in SI Units and the output was in customary units (English). Please make the units uniform.
 - Drainage length for all the HELP Models for the lateral drainage layer input is 91.4 meters or 300 feet. This is not a correct input. This must read 150 feet based on the flow distance, not the leachate collection spacing.
 - In the last run of the HELP Model for the finished section of drainage layer 3, the input for the slope was 0.00 percent and the drainage length was 10,000 meters or approximately 32,800 feet. Please check these inputs and change accordingly.
5. The response provided for item #18 in reference to the closure cost estimates is acceptable; however on page 18 of 21 of the closure plan, item XII reads, Final Closure Cost per Acre \$95,550. This cost must read \$100,285 per acre based on 91.1 acres. See attachment #18 as a reference. Please clarify this item.
6. On page 7 of 15 of the attachment #20-2 submitted December 3, 2007 in reference to the post-closure plan, item D (2) (c) for the other cost for leachate collection system maintenance is blank or not applicable. Please provide some funds for these items; such cost may include, but are not be limited to, pipe cleaning and repair, leachate storage tank maintenance and replacement, and the power cost over a 30 year post-closure period.
7. Drawing 8.1 does not show the depth to water and the proposed liner grade on cross-sections D-D' and E-E'. Please refer to the December 3, 2007 submittal and revise accordingly.
8. On page 23, Tab #19, in reference to the leachate storage tanks and the secondary containment, there is reference to drawing Nos. 11 & 23. Drawing No. 23 is missing. In addition, the permit application also discussed that the tanks will be surrounded by a

secondary containment system, but no specific details are given. Please refer to the April 30, 2007 submittal and revise/clarify as necessary.

9. It appears that the property line acreage of 194 acres and the solid waste boundary acreage of 91.1 acres as indicated, do not match as delineated in drawing 4.1 of the submittal dated December 3, 2007. Please refer to this drawing and other drawings that may be affected by this, to clarify the discrepancy. Please also clarify if the facility boundary is the property line.

Geology Enclosure

After review of the application and the submitted information by concerned citizens, the following need to be addressed:

1. According to 329 IAC 10-16-11, the setback between the fill boundary and the school well is one-half mile. It has been pointed out by the community that the church hosts a school and the distance to the well (ID #400342) is less than one-half mile. The regulations require that the setback from the domestic well is 600 feet if the applicant can demonstrate that the travel time of groundwater to waste boundary is not less than five years, or a well testing program is in place; otherwise, the setback is 1000 feet. It has been pointed out as well that the setback for several wells appears to be less than 1000 feet. These wells are: Davenport well #2 (ID #400338), Flint well (ID #150260), etc... It is also suspected that the Davenport well #2, the Downs well, and the Flint well may also be less than, or very close to, the 600 foot setback. It was also pointed out that the number of wells listed in the DNR database is less than the wells that actually exist in the vicinity of the site. These setbacks, and the current count of the wells, need to be checked and confirmed when the new application is submitted.
2. The aquifer of significance as defined in 329 IAC 10-2-13 has not been properly addressed in the response to geology comments. It is quoted in the "Response to Request for Additional Information (RAI)" dated December 3, 2007 that the aquifer of significance does exist; however, in the hydrogeologic work plan (Appendix A of the Supplemental Hydrogeological Site Investigation) submitted to IDEM, a general statement is made that no single aquifer system is present in the area. Study of the well logs in the area reveal a shallow water bearing zone encountered in several borings logs. For example, the well log for the IDNR well ID #400342 shows presence of "Heavy Water" at 14 feet depth (approximately at 690 Mean Sea Level (MSL)). The deeper aquifer at 625 feet MSL is widespread and the applicant admitted that to be an "aquifer of significance". This gravel aquifer is a source of drinking water for the wells in the vicinity of the proposed landfill. This main gravel unit extends beyond the site boundary which qualifies it to be an aquifer of significance. The cross-sections submitted in the drawings 6.1, 7.1, and 8.1 are extremely simplified and do not show a very realistic picture of the subsurface. The lower aquifer system could be connected to the upper aquifer through isolated sand seams or by a fracture system which is not uncommon in the till deposits. The presence of a peat layer which is likely formed under glacio-lacustrine environment, may also play a role in formation of the transmissive zones in the till sequence. A clearer picture needs to be drawn in order to decide where the uppermost aquifer is present that will be monitored if the landfill is permitted. No water levels are marked in the drawings 8.1 that shows cross-sections D-D' and E-E'.

Good Character Enclosure

The supplemental good character information received December 3 2007, for the proposed Greenview Recycling and Disposal Facility application received in response to our October 1, 2007 request for additional information (RAI), remain deficient and require the following information:

1. Section A remains incorrectly checked as a permit modification. Since no permit was ever issued for the Greenview Recycling and Disposal Facility for the application under review, it remains an application for a new permit. Please resubmit with the statement checked for "a new permit."